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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,392	12/22/2000	Fei Xie	019717-004100US	9440
23363	7590	09/29/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			PAN, YUWEN	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/747,392	XIE, FEI	
	Examiner	Art Unit	
	Yuwen Pan	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silberfenig (US006243594B1) in view of Komiya (US006510208B1).

Silberfenig discloses a mobile set having a voice recording means for storing voice conversation received through the mobile set and capable of play back on the mobile set, the mobile set comprising: a uplink/downlink switch for selecting speech from either a uplink or downlink signal; at least one switching logic controller for switching between uplink and downlink signals; a recording means for configuring and controlling of a recorder operation in one of a recorder operation in one of several modes available to a subscriber; and a memory element for storing audio signal into a speech file (see figure 1 and 2, column 3 and lines 22-42).

Silberfenig doesn't disclose a method of file header generation for generating headers for recorded speech files and the uplink signal carrying a first speech frame transmitted by the mobile set to a second device during a voice conversation, and the downlink signal carrying a

Art Unit: 2682

second speech frame received by the mobile set from the second device during the voice conversation.

Komiya teaches a method of file header generation for generating headers for recorded speech files and the uplink signal carrying a first speech frame transmitted by the mobile set to a second device during a voice conversation, and the downlink signal carrying a second speech frame received by the mobile set from the second device during the voice conversation (see figure 3 and column 5 and line 58-column 6 and line 20).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Komiya with Silberfeig's device such that it would be easy for user to edit recorded speech file and the memory capacity can be reduced without deteriorating a sound quality and a recording time.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silberfenig (US006243594B1) in view of Komiya (US006510208B1) as applied to claim 1 above, and further in view of Fox et al (US006064792A).

Combination of Komiya and Silberfenig doesn't disclose controlling a processor to identify speech containing time frames from at least one uplink and at least one downlink signal; and recording the speech containing time frames from said uplink and said downlink signal such that each time frame is recorded sequentially with a time stamp for each time frame.

Fox teaches controlling a processor to identify speech containing time frames from at least one uplink and at least one downlink signal; and recording the speech containing time frames from said uplink and said downlink signal such that each time frame is recorded sequentially with a time stamp for each time frame (see column 3 and lines 20-54).

Art Unit: 2682

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Fox with the combination of Komiya and Silberfenig such that it would optimize the use of the limited memory and easy to play back.

With respect to claim 3, Fox further discloses that there is a processor having a buffer for storing multiple signals, and capable of assigning each time frame a logic value while sorting through signals of the same time frame (see column 10 and lines 20-41, column 11 and lines 4-23).

Allowable Subject Matter

5. Claims 4-7 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: prior art of record does teach a method in a mobile set for determining record worthy time frame comprising receiving a first and second signal in the voice activity detector. Prior art of record doesn't teach the step of comparing the two signals, where the first and second signals have the same time stamp, and selecting having a logic value for recording; and substituting the low logic value signal with a placeholder marker for recording.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after


Art Unit: 2682

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
September 8, 2004


9/14/04
LESTER G. KINCAID
PRIMARY EXAMINER